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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,392	06/29/2001	Mitchell Franklin White	9742/RH7	1008

7590 09/13/2006

EXAMINER
GOTTSCHALK, MARTIN A

ART UNIT	PAPER NUMBER
3626	

K. Jung
Long Aldridge & Norman LLP
701 Pennsylvania Avenue, N.W.
6th Floor
Washington, DC 20004

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/896,392	WHITE ET AL.	
	Examiner	Art Unit	
	Martin A. Gottschalk	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-103* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-103* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-103 have been examined.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

A. As for the current case, the abstract is longer than 150 words and repeats information given in the title. Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-25, 44-65, 77-86, 93-95, and 101-103 are rejected under 35 U.S.C. 102(b) as being anticipated by Lockwood (US Pat# 4,567,359).

A. As per claim 1, Lockwood discloses a method of providing an offer of insurance for an applicant in real-time using an automated offer generation system (Lockwood: col 2, lns 8-18), the method comprising the steps of:

a) receiving applicant specified information associated with the applicant (Lockwood: col 6, ln 41 to col 7, ln 7; Fig 2);

b) establishing an initial connection to an initial information source from a set of available information sources (e.g. col 7, lns 61-68; Fig 1, e.g. lines connecting to item 22 from within item box 1, and also from item 3);

c) transmitting an initial request for applicant relevant information from the offer generation system to the initial information source via the established initial connection, wherein the initial transmitted request comprises at least a portion of the received applicant specified information (for steps b and c, Lockwood: col 7, lns 61-68);

d) receiving applicant relevant information from the initial information source (Lockwood: col 7, lns 61-68, reads on "locates the appropriate rating information");

e) generating an offer of insurance based at least in part upon the applicant information selected from the group consisting of

received applicant specified information (Lockwood: col 7, lns 61-68, reads on "makes an insurance calculation"),

received applicant relevant information

and

combinations thereof;

and

f) transmitting the generated offer to an offer output device associated with the applicant (Lockwood: col 5, lns 16-19, reads on "...printed out...over the printer unit."; col 8, ln 2).

B. As per claim 2, Lockwood discloses the method of claim 1, and further comprising the step of transmitting a request for applicant specified information to a second output device associated with the applicant (Lockwood: col 5, lns 7-10, reads on "displayed on the monitor screen.").

C. As per claim 3, Lockwood discloses the method of claim 2,

wherein the step of transmitting the request for applicant specified information comprises

transmitting a form into which the applicant may enter the applicant specified information (Lockwood: col 6, lns 51-59)

and

wherein the step of receiving the applicant specified information comprises the steps of

receiving a completed form into which the applicant specified information has been entered (Lockwood: col 7, lns 5-10)

and

parsing the applicant specified information from the transmitted form (Lockwood: col 7, lns 61-64, reads on "determines the type of quote requested," which is parsed from the information provided in col 6, lns 51-59).

D. As per claims 4 and 44, Lockwood discloses the method of claim 2, wherein the second output device associated with the applicant is selected from the group consisting of

a computer (Lockwood: col 4, lns 33-51),

a telephone,

a facsimile machine

and combinations thereof.

E. As per claim 5, Lockwood discloses the method of claim 4, wherein the second output device comprises

a computer

and

wherein the computer comprises a display device selected from the group consisting of

a monitor,

a speaker,

a tactile display,

a printer

and combinations thereof (Lockwood: col 4, lns 33-51).

F. As per claim 6, Lockwood discloses the method of claim 2, wherein

the second output device is the offer output device (Lockwood: col 5, lns 16-18, reads on "...will be displayed...").

G. As per claim 7, Lockwood discloses the method of claim 1, and further comprising the steps of

g) receiving payment information (Lockwood: col 7, lns 25-40)

and

h) processing the received payment information to receive compensation based upon the transmitted offer (Lockwood: col 8, lns 3-11).

H. As per claim 8 and 11, Lockwood discloses the method of claim 7 and 10 respectively, wherein the payment information comprises a payment type selected from the group consisting of

charge card (Lockwood: col 7, lns 26-27),

debit card,

direct bank account withdrawal,

electronic fund transfer

and

combinations thereof.

I. As per claim 9, 10, 12, and 13, Lockwood discloses

(claim 9) the method of claim 1, and further comprising the step of

g) receiving an acceptance signal indicating acceptance of the transmitted offer (Lockwood: col 7, lns 17-24).

(claim 10) the method of claim 9, wherein the acceptance signal comprises payment information and further comprising the step of

h) processing the received payment information to receive compensation based upon the accepted offer (Lockwood: col 8, lns 3-11).

(claim 12) the method of claim 10, and further comprising the step of

i) delivering a policy to the applicant drawn in accordance with the accepted offer (Lockwood: col 8, lns 12-19).

(claim 13) the method of claim 9, and further comprising the step of

h) delivering a policy to the applicant drawn in accordance with the offer (Lockwood: col 8, lns 12-19).

J. As per claim 14-16, Lockwood discloses

(claim 14) the method of claim 1, and further comprising the step of

h) selecting the information source to which to establish the connection (Lockwood: col 7, lns 61-65).

(claim 15) the method of claim 14, wherein the step of selecting the information source comprises accessing a data store comprising information source addressing information representing at least one information source (Lockwood: col 7, lns 61-65, Fig 1, boxes connected to item 22).

(claim 16) the method of claim 15, wherein the data store comprises information source addressing information representing a plurality of information sources (Lockwood: col 7, lns 61-65, Fig 1, boxes connected to item 22).

K. As per claim 17-19, Lockwood discloses

(claim 17) the method of claim 1, and further comprising the step of

h) establishing a further connection to a further information source from the set of available information sources;

i) transmitting a further request for applicant relevant information from the offer generation system to the further information source via the further established connection,

wherein the further transmitted request comprises applicant information selected from the group consisting of

previously received applicant relevant information,

received applicant specified information

and

combination thereof;

j) receiving further applicant relevant information from the further information source (for steps h and i, and j, Lockwood: col 8, lns 3-6);

and

k) aggregating the received further applicant relevant information with any prior received applicant relevant information (Lockwood: col 8, lns 9-11; col 7, ln 68 to col 8, ln 2).

(claim 18) the method of claim 17, and further comprising the step of

1) repeating steps h) through k) for each of a selected subset of the set of available information sources (Lockwood: col 7, ln 61 to col 8, ln 9, i.e. if payment is rejected, process stops).

(claim 19) the method of claim 18, and further comprising the step of

1) repeating steps h) through k) for each information source in the set of available information sources (Lockwood: col 7, ln 61 to col 8, ln 19).

L. As per claim 20-24, Lockwood discloses

(claim 20) the method of claim 1, wherein the step of establishing the connection comprises the step of attempting to open the connection to the information source via a communication channel.

(claim 21) the method of claim 20, wherein the communication channel for attempting to open the connection is based upon addressing information associated with the information source.

(claim 22) the method of claim 20, wherein the communication channel is selected from the group consisting of: computer network, direct serial or parallel connection, dial-up connection, dedicated line connection, wireless connection, bus connection and combinations thereof.

(claim 23) the method of claim 22, wherein the communication channel is the Internet.

(claim 24) the method of claim 1, wherein the step of transmitting the request comprises transmitting the request via a protocol selected from the group consisting of HTTP, HTTPS, SMTP, FTP, BLUETOOTH, GOPHER and WAIS.

For steps 20-24, Lockwood, note the network description provided in col 4, lns 1-16, which includes a computer network whose connections constitute communication channels. One disclosed embodiment incorporates the use of TELENET®, an Internet based network, which as such, utilizes various Internet protocols such as HTTP.

M. As per claim 25, Lockwood discloses the method of claim 1, wherein the step of generating the offer of insurance comprises the step of

generating a rate component of the offer of insurance (Lockwood: col 7, lns 10-13).

N. As per claims 45-65, 77-86, 93-95, and 101-103, they are rejected as per the corresponding claims for claims 1-25, and 44.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 26-43, 66-76, and 87-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood as applied to claim 26 above, and further in view of Lloyd et al (US Pat# 4,876,648, hereinafter Lloyd).

A. As per claim 26, Lockwood fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Lloyd who teaches

> the method of claim 25, wherein the step of generating the rate component comprises the steps of:

i) determining an underwriting tier for the applicant based upon applicant information selected from the group consisting of

received applicant specified information (Lloyd: col 19, lns 45-49),

received applicant relevant information

and

combinations thereof;

ii) retrieving a base rate based upon the determined underwriting tier (Lloyd: col 29, lns 16-18);

and

iii) calculating the rate component based upon the base rate and applicant information selected from the group consisting of

received applicant specified information (Lloyd: col 29, lns 19-32),

received applicant relevant information

and

combinations thereof.

It would have been obvious at the time of the invention to one of ordinary skill in the art to combine the teachings of Lloyd with those of Lockwood with the motivation of reducing the expense to sell (Lockwood: col 9, lns 20-25) and administer (Lloyd: col 2, ln 61 to col 3, ln 7) financial services through automation of the relevant processes.

Note: In the following claim rejections combining the Lloyd and Lockwood references, the same motivation applies and will not be repeated.

B. As per claim 27, Lockwood fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Lloyd who teaches

the method of claim 26, wherein the step of generating the rate component further comprises the steps of

iv) deriving an adjustment to the retrieved base rate based at least in part upon

applicant information selected from the group consisting of

received applicant specified information,

received applicant relevant information

and

combinations thereof

and

a dynamic pricing factor based upon analysis of analytic information selected from the group consisting of

demand level,

cost (Lloyd: Fig 6; col 29, lns 16-22, i.e. the adjustment is based on applicant specified information such as "smoker", and cost. The cost of insurance is a dynamic pricing factor,

see col 25, lns 51-57. The adjustment is deducted from the base rate in order to calculate the rate.),

return on assets

and

combinations thereof

and

wherein the step of calculating the rate is further based upon the derived adjustment (see reference provided above).

C. As per claim 28, Lockwood fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Lloyd who teaches

the method of claim 27, and further comprising the step of

g) generating an adjustment table of dynamic pricing factors based upon the analysis of analytic information

and

wherein the step of deriving the adjustment comprises the step of

retrieving the adjustment from the generated adjustment table based upon applicant information selected from the group consisting of

received applicant specified information,

received applicant relevant information

and

combinations thereof (for all the features of this claim, see Lloyd: col 27, lns 39-66).

D. As per claims 34 and 40, they are rejected for the same reasons provided for claim 28.

E. As per claim 29, Lockwood discloses the method of claim 28,

wherein the analytic information comprises

demand level (Lockwood: col 8, ln 64; col 9, ln 45, reads on "quotation analysis")

and

wherein the step of generating the adjustment table

generates the adjustment table based at least in part upon

conversion rates as an indicator of demand level,

wherein the adjustment table generation step comprises the steps of

i) analyzing conversion rates for previous purchases of insurance products (Lockwood: col 7, ln 68 to col 8, ln 2, reads on "quotation history");

ii) forecasting conversion rates for potential further purchases based upon the analyzed conversion rates (Note that the system of Lockwood collects "sales completed" data, col 2, lns 35-44, and quotation information for the purpose of analysis, col 8, ln 68 to col 9, ln 5. The Examiner notes that the ratio of these two types of data results in the calculation of a conversation rate, and that the process of taking rations is very well known.).

As per step iii, Lockwood fails to explicitly disclose the use of adjustment tables as recited in the claim, but this feature is taught by Lloyd as described in the rejection of claim 28.

F. As per claims 32, 35, and 41, they are rejected for the same reasons provided for claim 29.

G. As per claim 30, Lockwood discloses the method of claim 25, wherein the step of generating the rate component comprises the steps of:

i) determining an offering company from a plurality of available offering companies based upon

applicant information selected from the group consisting of

received applicant specified information (Lockwood: col 7, lns 64-68),

received applicant relevant information

and

combinations thereof.

Lockwood fails to explicitly disclose the remaining features of the claim including dynamic pricing and steps ii-iv, however these features are rejected for the reasons for provided in the rejection of claim 26 above.

H. As per claim 31, it is rejected as per the teachings of Lockwood referenced for the rejection of claim 30 above.

I. As per claim 33, Lockwood fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Lloyd who teaches

the method of claim 25, wherein the step of generating the rate component comprises the steps of:

i) determining a pricing tier for the applicant based upon applicant information selected from the group consisting of

received applicant specified information (Lloyd: col 27, lns 39-54, i.e. the "target cash value" is a determinant of the premium, thus the level of target cash is a type of pricing tier),

received applicant relevant information

and

combinations thereof.

Lockwood fails to explicitly disclose the remaining features of the claim including dynamic pricing and steps ii and iii, however these features are rejected for the reasons for provided in the rejection of claim 26 above.

J. As per claim 36 and 38, Lockwood fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Lloyd who teaches

> the method of claim 25, wherein the step of generating the offer of insurance further comprises the step of
>
> > generating a fee component of the offer of insurance (Lloyd: col 26, lns 26-31).

K. As per claim 37, Lockwood fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Lloyd who teaches

> the method of claim 36, wherein the step of generating the offer of insurance further comprises the step of
>
> > adjusting the generated rate component and the generated fee component based upon applicant information selected from the group consisting of
> >
> > > received applicant specified information (Lloyd: col 27, lns 39-66),

received applicant relevant information

and

combinations thereof.

L. As per claim 39, Lockwood fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Lloyd.

The "fee for the applicant" feature is rejected as per the corresponding teachings of Lloyd as applied to claims 36 and 37 above. The "dynamic pricing" feature is rejected as per the corresponding teachings of Lloyd as applied to claim 27 above.

M. As per claim 42 and 43, Lockwood fails to disclose the features of the claim, however, these features are well known in the art as evidenced by the teachings of Lloyd who teaches

(claim 42) the method of claim 1, wherein the step of generating the offer of insurance comprises the step of generating a purchase incentive component of the offer of insurance,

(claim 43) wherein the purchase incentive component comprises at least one incentive selected from the group consisting of

a discount on the offered insurance product (col 25, lns 32-33, reads on "quantity discounts"),

a discount on a third party product or service,

an award in a third-party incentive program,

and

a free third party product or service.

N. As per claims 66-76, and 87-100, they are rejected as per the corresponding claims from claims 26-43.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art discloses methods and systems for automating the purchase and distribution of insurance and financial

services products; a variety of rate calculations including adjustments to a base rate; and techniques associated with dynamic pricing.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin A. Gottschalk whose telephone number is (571) 272-7030. The examiner can normally be reached on Mon - Thurs 8:30 -6 and alternate Fri 8:30 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MG
08/04/2006

C. LUKE GILLIGAN
PATENT EXAMINER

Notice of References Cited	Application/Control No. 09/896,392	Applicant(s)/Patent Under Reexamination WHITE ET AL.	
	Examiner Martin A. Gottschalk	Art Unit 3626	Page 1 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-3,739,155 A	06-1973	O'Larte, Fermin M.	235/89R
*	B	US-4,567,359 A	01-1986	Lockwood, Lawrence B.	235/381
*	C	US-4,837,693 A	06-1989	Schotz, Barry R.	705/4
*	D	US-4,876,648 A	10-1989	Lloyd, Clarke B.	705/38
*	E	US-4,975,840 A	12-1990	DeTore et al.	705/4
*	F	US-5,655,085 A	08-1997	Ryan et al.	705/4
*	G	US-5,884,274 A	03-1999	Walker et al.	705/4
*	H	US-6,119,093 A	09-2000	Walker et al.	705/4
*	I	US-6,182,048 B1	01-2001	Osborn et al.	705/4
*	J	US-6,236,973 B1	05-2001	Dillard, Greg	705/36R
*	K	US-6,283,761 B1	09-2001	Joao, Raymond Anthony	434/236
*	L	US-6,584,446 B1	06-2003	Buchanan et al.	705/4
*	M	US-2003/0182213 A1	09-2003	Kansal, Namita	705/34

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited	Application/Control No. 09/896,392	Applicant(s)/Patent Under Reexamination WHITE ET AL.	
	Examiner Martin A. Gottschalk	Art Unit 3626	Page 2 of 2

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,831,526 A	05-1989	Luchs et al.	705/4
*	B	US-5,191,522 A	03-1993	Bosco et al.	705/4
*	C	US-5,752,236 A	05-1998	Sexton et al.	705/4
*	D	US-5,806,042 A	09-1998	Kelly et al.	705/4
*	E	US-5,907,828 A	05-1999	Meyer et al.	705/4
*	F	US-2001/0054020 A1	12-2001	Barth et al.	705/37
*	G	US-2002/0188484 A1	12-2002	Grover et al.	705/4
*	H	US-2004/0153362 A1	08-2004	Bauer et al.	705/010
	I	US-			
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.